

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

COMPASS-CHARLOTTE 1031, LLC

Plaintiff,

- against -

Case No. 24-cv-55 (MAD/DJS)

PRIME CAPITAL VENTURES, LLC, BERONE
CAPITAL FUND, LP, BERONE CAPITAL
PARTNER, LLC, BERONE CAPITAL LLC,
BERONE CAPITAL EQUITY FUND I, LP,
405 MOTORSPORTS LLC F/K/A BERONE
CAPITAL EQUITY PARTNERS, LLC,

Defendants.

SECOND REPORT OF TEMPORARY RECEIVER

To: Hon. Mae D'Agostino, United States District Court Judge

Paul A. Levine, Esq, Permanent Receiver (the "Receiver"), respectfully reports to the Court as follows.

1. On Sunday January 14th, the Receiver sent an email request to Prime's attorney for information and documents. The email requested:

- The location and be given access to the paper files (to the extent they exist) of all defendants.
- The location and be given necessary passwords and other login information for the computer networks for all defendants.
- The name and contact information for any IT vendors.
- The name of any person with offsite computer access to the Defendants' computer networks.
- The name and contact information for any law firms who have represented the Defendants as well as any accountants, auditors and / or tax preparers.
- The lease to the premises.
- The identity and any necessary login information for all bank, brokerage and other financial accounts maintained by all defendants.

- Any lists of current payables, current accounts receivable and any other pressing obligations of any defendant.
- The most current financial statements for each defendant, whether externally or internally prepared, even if just from a program like Quick Books or manually prepared.
- The last filed tax returns for each defendant.
- All loan agreements or other agreements by and by and between any third party by which any defendant agreed to locate and obtain financing for any third party.
- All loan documents reflecting any loans owed by Defendants to any third parties.
- All agreements between the defendants.
- Titles to all real estate and any vehicles owned by the defendants including, but not limited to, the house in Virginia Beach.
- Copies of any lease agreements for the house in Virginia Beach.
- Mortgage and any other financing documents concerning the house in Virginia Beach.
- Tax bills, utility bills, insurance documents all concerning the house in Virginia Beach.
- Documents concerning any lawsuits or other non-court claims (i.e. arbitrations) being pursued by the defendants.
- With respect to your law firm and Cullen & Dykeman
 - A copy of your law firm's retainer agreement, and the retainer agreement with Cullen & Dykeman, with any defendant.
 - Evidence of the amount of retainer, if any, your law firm was paid and / or Cullen Dykeman was paid.
 - Evidence showing the source (i.e. bank or other financial account) from which any retainer was paid.
 - Subject to any privilege, but while reserving my right to assert that I can waive the privilege as receiver, any documents provided by the defendants to your law firm.
 - Please note that this request is made, in addition to the defendants, directly to your law firm.
- Documents evidencing current employees so I can identify who they are and what they do.
- Documents concerning payroll, employee benefits such as, but not limited to, health insurance, retirement plans, disability plans etc.

2. In recent days the Trustee received limited portions of the requested information from the former Chapter 7 Trustee in Prime's involuntary bankruptcy but the bulk of the information and documents have not been provided.

3. By letter dated January 22, 2024 to Prime's attorney, the Receiver requested that the information be provided by January 24, 2024. Exhibit "A." It was not provided.

4. By letter dated January 23, 2024, the Receiver also requested that proof of Prime's transmittal of monies to the Berone entities also be provided by January 24th. Exhibit "B." That information has not been provided.

5. Further, the Receiver has become aware that a watch was purchased by Prime in January, 2023 for \$2,225,000. Exhibit "C." The Receiver has demanded through Prime's attorneys the immediate turnover of the watch but, as of this report, the watch has not been turned over, nor has any information been provided as to its disposition.

6. The failure to provide the information is impeding the Receiver's efforts but he is nonetheless actively discharging his duties.

WHEREFORE it is respectfully requested that the Court consider this Second Report and grant such other and further relief as is just, necessary and proper.

Dated: January 26, 2024

Respectfully submitted,

/s/Paul A. Levine
Paul A. Levine, Esq.
RECEIVER
LEMERY GREISLER LLC
Office and P.O. Address
677 Broadway, 8th Floor
Albany, New York 12207
Ph: (518) 433-8800
Fax: (518) 433-8823

plevine@lemerygreisler.com

EXHIBIT "A"

Lemery Greisler LLC

Attorneys at Law

Paul A. Levine, Member

plevine@lemerygreisler.com
(518) 433-8800 ext. 313

January 22, 2024

VIA E-MAIL

pieter.vantol@hoganlovells.com

Pieter Van Tol, Esq.
Hogan Lovells US LLP
390 Madison Avenue
New York, New York 10017

**Re: Compass-Charlotte 1031, LLC v. Prime Capital Ventures, LLC, et al.
24-cv-00055**

Dear Pieter:

Please make sure your client produces the documents requested by my email to you of January 14, 2024 not later than close of business on Wednesday January 24, which will be ten days following my email which seems more than sufficient time for Mr. Roglieri to have gathered the materials.

Thank you.

Very truly yours,

LEMERY GREISLER LLC



Paul A. Levine

PAL:ph

cc: (Via E-mail)
Will Esser, Esq. (willesser@parkerpoe.com)
Chris Fenlon, Esq. (cfenlon@hinckleyallen.com)
Peter Damin, Esq. (pdamin@lemerygreisler.com)
Robert Lippman, Esq. (rlippman@lemerygreisler.com)

677 Broadway, 8th Floor
Albany, NY 12207
518.433.8800

www.LemeryGreisler.com

EXHIBIT "B"

Lemery Greisler LLC

Attorneys at Law

Paul A. Levine, Member

plevine@lemerygreisler.com
(518) 433-8800 ext. 313

January 23, 2024

VIA E-MAIL

pieter.vantol@hoganlovells.com

Pieter Van Tol, Esq.
Hogan Lovells US LLP
390 Madison Avenue
New York, New York 10017

**Re: Compass-Charlotte 1031, LLC v. Prime Capital Ventures, LLC, et al.
24-cv-00055**

Dear Pieter:

My letter of yesterday should also have included my demand that your client produce any all documents and other proof of the monies that it allegedly sent to any and all Berone entities. This includes, but is not limited to, evidence of wire transfers, banking records, emails, correspondence, canceled checks and internal books and records. Please produce this information by January 24th which is more than enough time, given when this issue first arose during the bankruptcy case, to provide a full and complete response.

Thank you.

Very truly yours,

LEMERY GREISLER LLC



Paul A. Levine

PAL:ph

cc: (Via E-mail)
Will Esser, Esq. (willeser@parkerpoe.com)
Chris Fenlon, Esq. (cfenlon@hinckleyallen.com)
Peter Damin, Esq. (pdamin@lemerygreisler.com)
Robert Lippman, Esq. (rlippman@lemerygreisler.com)

677 Broadway, 8th Floor
Albany, NY 12207
518.433.8800

www.LemeryGreisler.com

EXHIBIT "C"



1600 WATER ST. SUITE A195
LAREDO, TX 78040
Phone: 956-307-7946
Email: platinumtimeco@gmail.com

INVOICE

INVOICE # 17212

DATE: 1/3/2023

DUE DATE: AS PER TERMS


Balance Due: \$2,225,000.00

BILL TO:

Prime Capital Ventures
66 South Pearl St. 10th Floor
Albany, NY 12207

SHIP TO:

SAME AS RECIPIENT

Item	Quantity	Unit Price	Total amount
RM 52-01 Tourbillon Skull STATUS: PRE-OWNED PAPERS: INCLUDED	1	\$2,275,000.00	
			
*Deposit to third party		(\$50,000.00)	
Total Due			\$2,225,000.00

Currency: \$USD

Payment Information

Bank Wire/ACH Transfer

Routing Transit Number:

Account Number:

Wire ABA:

SWIFT: CHASUS33

Bank Name: CHASE Bank

Bank Address: 10720 International BLVD

City, State: LAREDO, TEXAS 78045

Beneficiary: PLATINUM TIMES LLC

Thank you for your business!



Raul Trevino <platinumtimeco@gmail.com>

Inquiry About: "Richard Mille Skull Tourbillon (Piece Unique)"

1 message

Kris Roglieri <8a2abba5-948d-4ada-8a01-134a32ca50eb-fprgp@reply.chrono24.com>
Reply-To: Kris Roglieri <8a2abba5-948d-4ada-8a01-134a32ca50eb-fprgp@reply.chrono24.com>
To: platinumtimeco@gmail.com

Wed, Dec 28, 2022 at 8:34 PM



Inquiry About: "Richard Mille Skull Tourbillon (Piece Unique)"

A visitor of Chrono24 has sent an inquiry to you:

Name: **Kris Roglieri**
Email: ******@primecommercialen****.com** (ID:)
Country: **United States of America**

Message:

Do you still have this ? I looked on your website and you have very similar one but the casing looks different where this one is black
Please advise Kris

[Reply now](#)

Details

Richard Mille Skull Tourbillon (Piece Unique)
Price: \$2,600,000

Would you like to make the interested buyer an offer? You can make an offer here:

[Make an offer](#)

Kind regards,
Your Chrono24 team

Quick replies

Click on one of the links to send the answer shown underneath.

- The watch has been sold
"We regret to inform you that we have just sold the watch to another customer."
- The watch has been reserved
"Unfortunately, we have already reserved the watch for another customer. If the customer decides not to purchase the watch, we will inform you immediately."
- No shipment to your country
"We regret to inform you that we cannot ship goods to your country. We appreciate your understanding."
- We are not interested in this offer
"Unfortunately, we cannot accept your offer. Thank you for your understanding."
- No more requests please
"We kindly ask you not to send any more e-mails in this regard. We

appreciate your understanding."

- We do not speak your language

"Unfortunately, you have written to us in a language we do not understand. Please contact us in one of the following languages:
English, Spanish"

Report abuse

If this message is an attempt to abuse or defraud, please forward it to
abuse@chrono24.com.

Sent on Thu Dec 29 03:34:49 CET 2022 from UnitedStates (language:
en_US).

Have you followed us yet?



Mobile Apps



Chrono24 GmbH

Haid-und-Neu-Str. 18
D-76131 Karlsruhe
Germany

E-mail: info@chrono24.com
<https://www.chrono24.com>

Managing directors: Holger Feigner, Tim
Stracke
Commercial register: Amtsgericht
Mannheim, HRB 708124,
USt-IdNr.: DE269055220



Raul Trevino <platinumtimeco@gmail.com>

You've received a new message.

1 message

Kris Roglieri <8a2abba5-948d-4ada-8a01-134a32ca50eb-fprgp@reply.chrono24.com>
Reply-To: Kris Roglieri <8a2abba5-948d-4ada-8a01-134a32ca50eb-fprgp@reply.chrono24.com>
To: platinumtimeco@gmail.com

Wed, Dec 28, 2022 at 10:14 PM



Message from Kris Roglieri:

So to be clear it's the one I found on chrono24? The into be clear, it's the one that I found on this site ? The one on your website looks different ?? Also is this a customized skull after it was sold new or did it come like this from factory?

Reply now

Make an offer



Richard Mille Skull Tourbillon (Piece Unique)

\$2,600,000

Sent via Chrono24



Raul Trevino <platinumtimeco@gmail.com>

You've received a new message.

1 message

Kris Roglieri <8a2abba5-948d-4ada-8a01-134a32ca50eb-fprgp@reply.chrono24.com>
Reply-To: Kris Roglieri <8a2abba5-948d-4ada-8a01-134a32ca50eb-fprgp@reply.chrono24.com>
To: platinumtimeco@gmail.com

Thu, Dec 29, 2022 at 7:13 PM



Message from Kris Roglieri:

Would you take 1.85 ?

Reply now

Make an offer



Richard Mille Skull Tourbillon (Piece Unique)

\$2,600,000

Sent via Chrono24



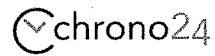
Raul Trevino <platinumtimeco@gmail.com>

You've received a new message.

1 message

Kris Roglieri <8a2abba5-948d-4ada-8a01-134a32ca50eb-fprgp@reply.chrono24.com>
Reply-To: Kris Roglieri <8a2abba5-948d-4ada-8a01-134a32ca50eb-fprgp@reply.chrono24.com>
To: platinumtimeco@gmail.com

Fri, Dec 30, 2022 at 10:53 AM



Message from Kris Roglieri:

Can I see the papers and cert on it ?

Reply now

Make an offer



Richard Mille Skull Tourbillon (Piece Unique)

\$2,600,000

Sent via Chrono24



Raul Trevino <platinumtimeco@gmail.com>

You've received a new message.

2 messages

Kris Roglieri <8a2abba5-948d-4ada-8a01-134a32ca50eb-fprgp@reply.chrono24.com>
Reply-To: Kris Roglieri <8a2abba5-948d-4ada-8a01-134a32ca50eb-fprgp@reply.chrono24.com>
To: platinumtimeco@gmail.com

Fri, Dec 30, 2022 at 10:59 AM



Message from Kris Roglieri:

My cell 518-852-9933

Reply now

Make an offer



Richard Mille Skull Tourbillon (Piece Unique)

\$2,600,000

Sent via Chrono24

Kris Roglieri <8a2abba5-948d-4ada-8a01-134a32ca50eb-fprgp@reply.chrono24.com>
Reply-To: Kris Roglieri <8a2abba5-948d-4ada-8a01-134a32ca50eb-fprgp@reply.chrono24.com>
To: platinumtimeco@gmail.com

Fri, Dec 30, 2022 at 10:59 AM



Message from Kris Roglieri:

And can you send video of watch to me to my cell?

Reply now

Make an offer



Richard Mille Skull Tourbillon (Piece Unique)

\$2,600,000

[Quoted text hidden]

10:40

4G



Mr. LoanShark
teamloansharks



♥ 1



15 ENE 2023



Te mencionó en su historia

Respondiste a su historia

Your welcome ! Thanks to you ! We are very happy to sell this watch to you and specially someone in USA! 🇺🇸

Looking forward for the next one

21 ENE 2023

Respondió a tu historia

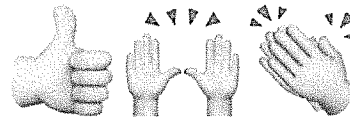


You guys have another one ??

Impossible ! It's yours. Can't replace, just very cool
Pics for content.



I assumed so



Did you ✓ see the other skull I sent you?



Mensaje...





teamloansharks

Unicorn-Castle



Les gusta a **jamluxe** y otros

teamloansharks Because anything less would be uncivilized.



#mc12corsa 🐟🐟

Ver los 134 comentarios

wristaficionado 🔥🔥🔥







TEAMLOANSHARKS
Publicaciones



teamloansharks
Las Vegas



Les gusta a izzynco y otros

teamloansharks Real Recognize Real ❤️

.

@lindaoliverofficial

1/24/24, 12:44 PM

Shipment Details

Shipment Details

Ship Date	1/3/2023
Tracking Number	392952761881
Confirmation Number	0F3D7675
Reference Number	N/A
Customer Reference Number	N/A
Parcel Pro Notify	<u>PPI-53BA7340-E99D-4F</u>
COD	No
Service Type	Priority Overnight
Package Type	MEDIUM BOX
Est. Weight	1.00 LBS
Bill duties/taxes/fees	N/A
Needs EEI	No
Insured Value	1,000.00 USD

Special Services

Saturday Pickup	No
Saturday Delivery	No
Adult Signature Required	Yes
Direct Signature Required	No
COD Service	No
Email Notification	Yes
Recipient Notifications	No
Thermal Printer	No
Return Label Printed	No
Residential Delivery	No
Drop Shipment	No
FedEx HoldAt Location	No

Shipment Information**Ship From**

Contact Name	RAUL TREVINO
Company Name	P T LLC
Address	1600 WATER STREET ST A1 95
Address 2	SUITE A195
City/State	LAREDO, TX
Zip/Country or Territory	78040, US

Ship To

Contact Name	
Company Name	WRIST AFICIONADO
Address	19 EAST 62ND STREET
Address 2	
City/State	NEW YORK, NY
Zip/Country or Territory	10065, US

Payment Information

Estimated Shipping & Insurance	\$52.24
Adult signature required	\$7.15
Fuel	\$8.78
Your Total	\$68.17

1/24/24, 12:44 PM

Shipment Details

1/24/24, 12:46 PM

notify



NOTIFY

Enter Tracking Number*

PPI-53BA7340-E99D-4F

Track

Tracking Results for: PPI-53BA7340-E99D-4F

Delivered

Shipment Details

Carrier: FEDEX
Package size: MEDIUM FEDEX BOX
Service type: Priority Overnight
Weight: 1.00 LB

Shipping To

WRIST AFICIONADO
N/A
19 EAST 62ND STREET
NEW YORK, NY
United States

Date	Location	Activity
1/4/23, 4:09 PM	NEW YORK, NY, US	Delivered (Signed by M.IKE at Guard/Security Station)
1/4/23, 2:11 PM	NEW YORK, NY, US	Shipment arriving On-Time
1/4/23, 2:08 PM	NEW YORK, NY, US	On FedEx vehicle for delivery
1/4/23, 9:53 AM	NEW YORK, NY, US	At local FedEx facility
1/4/23, 9:53 AM	NEW YORK, NY, US	Delay
1/4/23, 7:29 AM	NEWARK, NJ, US	Arrived at FedEx hub

1/24/24, 12:46 PM

notify

1/4/23, 4:40 AM

MEMPHIS, TN, US

Departed FedEx hub

1/4/23, 12:08 AM

MEMPHIS, TN, US

Arrived at FedEx hub

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